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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/082,549

02/25/2002

Henry Ira Carpenter

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08/16/2006

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Pittsburgh, PA 15219

EXAMINER

NGUYEN, TAN D

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,549	CARPENTER, HENRY IRA	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/5/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 6/5/2002 was filed after the mailing date of the application on 2/25/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. Claims 1-7, 8-17, 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In independent method claim 1, the preamble calls for "a method for generating (1) business and (2) other communications for dispersed users" but the body of the claim only discusses how to carry out the item (2) and no discussion of how to carry out item (1) of generating business is discussed. It's not clear how the "generating business" in the preamble is carried out? Similarly, independent claims 8 and 18 are rejected for similar reasons set forth in independent claim 1 above since they have similar scope.

3. Dependent claim 6 recites the limitation "said marketing agent" in line 1. There is insufficient antecedent basis for this limitation in the claim.

4. Independent method claim 18 discloses a "method for generating electronic mail, web pages and word processing program formatted business letters for dispersed users" in the preamble but fails to disclose how to use these features in the body of the claim.

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5. Dependent claims 19-21 recite the limitation "generating business and other communications for dispersed users" in line 1. There is insufficient antecedent basis for this limitation in the independent claim 18.
6. Dependent claim 19 recites the limitation "the rendering" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. **Claims 1-7 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over 35 U.S.C. 103(a) as being unpatentable over LEUNG et al (US Patent 6,167,394).**

Independent method claim 1 is written as followed:

1. A method for generating business and other communications for dispersed users, comprising the steps of:

- a) inputting content and special processing instructions into a repository;
- b) providing access to said content and special processing instructions to at least one supervisor;
- c) providing the dispersed users access to the content and special processing instructions; and
- d) enabling the dispersed users to select a portion of said content and special processing instructions for generating said communications.

Basically, Independent method claim 1 reads over:

- a) inputting information/data content into a database wherein the information/data are special processing instructions;
- b) providing access of the content to at least one party wherein the party has the role of a supervisor (management);
- c) providing access of the content to dispersed users (parties); and
- d) enabling the dispersed (everywhere or remote) users (parties) to select a portion of the content for generating the communication (or report).

Similarly, LEUNG et al discloses a method and system of information management (computer-based document management system) with remote access and display features for dispersed (remote) users, comprising the steps of:

a) inputting content (information or data) and special processing instructions (see MSDS information on col. 2, lines 5-22) into a repository {(database), see col. 4, lines 15-20, col. 3, lines 15-20};

b) providing access inputting content and special processing instructions to at least one party wherein the party has the role of management {see “*management*” on col. 1, lines 24-25, or “*any interested party*” {see col. 2, lines 7-10}, or “*emergency personnel*” on col. 2, lines 25-30};

c) providing the dispersed users access to the content and special processing instructions {see col. 2, lines 8-25}; and

d) enabling the dispersed users to select a portion of said content and special processing instructions for generating said communications (shown on a display or report) {see col. 4, lines 44-49, col. 6, lines 5-8 “user to view and print ... of the selected documents as, for example, illustrated in Fig. 5”}.

Note that LEUNG et al discloses the teaching of step (b) to any interested party in a business organization such as management, or emergency personnel, etc. The selection of any other well known related/interested functions in a business organization such as supervisor or other related function would have been obvious. Note that the term “special processing instructions” are non-functional data since they are not used for interacting with any special processes and therefore have no patentable weight.

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Alternatively, the use/selection of type of information or data, i.e. special processing instructions of any other business process, would have been obvious as mere selection of other similar business data.

As for dep. claims 2-5 (part of 1 above) which deals with well known content types or forms (data input parameters) in data inputting, i.e. template, entries, these are inherently included in the teachings of inputting data sheets, documents, records, forms, etc. as shown in Figs. 4-5 of LEUNG et al which normally contains template.

Alternatively, the use of any other similar input forms such as template would have been obvious in view of the teachings of inputting data sheets, documents, records, forms, etc.

As for dep. claim 3 (part of 1 above) which deals with the system of the repository to carry out step (a), this is inherently in the system to carry out the information/document management system on the Internet as taught by LEUNG et al on col. 2, lines 5-15, col. 4, lines 10-20, Figs. 4 and 5.

As for dep. claim 6 (part of 1 above) which deals with the type of party accessing the information or "any interested party" parameters, i.e. marketing agent, this is inherently in the teachings of LEUNG et al "any interested party" in a business organization which normally includes a marketing agent. Alternatively, the selection of any well known business parties in a business organization to access organization data would have been obvious as mere selection of other similar parties.

As for dep. claim 7 (part of 1 above) which is written in a passive/inactive state, "are selected from", this limitation is considered as "capable of" in a method claim and

this capability is inherently in the business and communications of LEUNG et al, see Figs. 4-5, col. 6, lines 1-7. Alternatively, the use of other well known digital or conventional information/data/sheet/document types such as letters, etc. would have been obvious to a skilled artisan as mere using other well known/similar business document types.

11. Claims 8-17, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEUNG et al in view of HUGHES et al (US 2002/0133395).

As for independent method claim 8 which has similar scope as in independent method claims 1 and 4 above with further limitations on steps (a) and step (b),

(a) establishing a database for storing content and templates within a repository; inputting into said database content and templates;

(b) providing access to said database to at least one supervisor, wherein said supervisor reviews and edits the content, templates and special processing instructions stored within said database.

LEUNG et al fails to teach the limitation of step (b) of "wherein said supervisor reviews and edits the content, templates and special processing instructions stored within said database".

In a similar method for electronic review and approval of technical information (standards) in a business organization for global electronic access and review system on a global database using the Internet (web), HUGHES et al is cited to show well known functions of management/supervisor for implementing special processing instructions or business information such as product development standard whereby the

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Management / supervisor (reviewer) reviews and edits (modifies) the content of the electronic business information to meet guidelines or standard {see 0059}, Fig. 5, elements 92 "Add Comment"}. It would have been obvious to modify the teachings of LEUNG et al to further include a role of the management/supervisor in developing standard information for a process or product by reviewing and editing the draft format to ensure it meets standard requirements as taught by HUGHES et al.

As for dep. claims 9-10, 14-15, and 16-17 (part of 8 above), which deal with well known functions/system when carrying out the information/document management with remote access and display on the Internet/web, these are fairly taught in LEUNG et al Figs. 4-5 or col. 4, lines 5-60.

As for dep. claims 11-13 (part of 8 above), which have similar limitations to dep. claims 3-4 (part of 1 above), they are rejected for the same reasons set forth in the rejections of dep. claims 3-4 above.

As for independent method claim 18 which has similar scope as in independent method claim 8 above with further limitations in the preamble of with respect to the type/feature of the report, i.e. in the form of e-mails, web pages and word processing program formatted business letters for dispersed users, the types /features of the document appear not be critical to the scope of the claimed invention and are fairly taught in LEUNG et al Figs. 5-6, col. 6, lines 1-7, col. 4, lines 35-50. Other displaying documents alternatives would have been obvious to a skilled artisan as mere using other well known communication means/method.

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As for dep. claims 19-21 (part of 18 above), which deal with well known functions/system for user viewing and displaying the document via the website/Internet, these are inherently included in the teachings of LEUNG et al Figs. 4-5, col. 2, lines 5-25, col. 4, lines 8-47, and col. 6, lines 1-8. Note also that the limitations of dep. claims are written in a passive/inactive state, "is performed" or "is stored", these limitations are considered as "capable of" in a method claim and these capabilities are inherently in the business and communications of LEUNG et al.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 6,161,113 discloses a computer-aided project notebook with database for handling documents and projects.

2) US 5,786,816 discloses a method and system for GUI based storing, editing or modifying, reviewing of templates in the files/web pages of the system database {see Figs. 31, 32}.

No claims are allowed.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

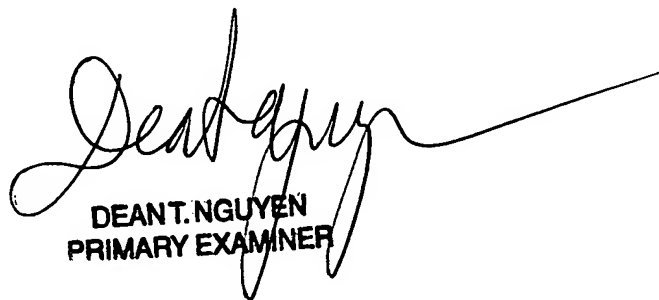
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
August 10, 2006



DEANT. NGUYEN
PRIMARY EXAMINER